98TH CONGRESS
2d Session
SENATE
REPORT
98-549

# ESTABLISHING A BOUNDARY FOR THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT, COLORADO

JULY 17, 1984.—Ordered to be printed
Filed, under authority of the order of the Senate of June 29 (legislative day, June 25), 1984

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany H.R. 3825]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 3825) to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes, having considered the same, reports favorably thereon with amendments to the text, and recommends that the act as amended do pass.

The amendments are as follows:

1. On page 3, lines 11 through 20, delete all of subsection 3. (a) and insert in lieu thereof a new subsection 3. (a) as follows:

> "SEC. 3. (a) The Secretary is authorized to acquire lands or interests therein within the boundary of the Monument by donation, exchange, or purchase with donated or appropriated funds. The Secretary may acquire less than fee interests in such lands in cases where such interest will adequately protect the visual quality, natural, or cultural resources of the Monument: *Provided*, That the Secretary shall not acquire lands in fee interest unless the owner of such land concurs with such action.".

2. On page 4, line 24, delete "National Park", and on page 5, line 1, delete "Service", and insert in lieu thereof "national park system".

### PURPOSE

H.R. 3825, as reported provides for the legislative establishment of a boundary for the Black Canyon of the Gunnison National Monument, CO; and for the acquisition of fee title, or sufficient interests therein to protect the integrity of the lands within the monument boundary.

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## BACKGROUND AND NEED

The Black Canyon of the Gunnison National Monument, in the State of Colorado, was established by proclamation of the President on March 2, 1933. The proclamation boundary has not been established legislatively in the intervening years.

At the time of the original proclamation, the 12 miles of canyon singled out for preservation was recognized as one of the world's premier wild canyons because of its depth, narrowness, and sheerness. It remains so today. The Gunnison River, over time, has eroded this area, leaving the walls of the canyon typified by deep fissures, numerous clefts, rock promontories, and sheer cliffs. Although the monument contains a multitude of scientific, educational, cultural, historical, and other values, the center of attraction to the area is, without a doubt, the viewshed. Included in the viewshed, but outside the current proclaimed boundary to the north of the canyon, are approximately 7,000 acres of privately owned land. In recent years there has been a growing trend of subdivision and development of these lands, thus having a degrading effect on the visual resource. Much of this private land is within the immediate viewing area from the monument visitor center and main observation point.

Currently, an owner of a 4,000-acre tract has subdivided the tract into 40-acre parcels and is proceeding to construct roads and waterlines to each of the 100 parcels. Such activity, along with anticipated structural development will have a significant impact on the esthetics of the entire canyon. The Nature Conservancy is negotiating with the landowner to gain sufficient delay to allow consideration of remedial legislation.

H.R. 3825, if enacted, would provide for a new boundary which would include the 7,000 acres adjacent to the northern boundary of the monument and would limit the potential for development that would degrade the visual quality of the canyon area. It is expected that this would be accomplished primarily through the acquisition of scenic easements rather than acquiring fee title to the land. This will enable the continuation of ranching and other nonconflicting uses.

## LEGISLATIVE HISTORY

H.R. 3825 was passed by the House on March 5, 1984. Senator Hart introduced a somewhat similar bill (S. 2015) on October 27, 1983. Hearings on both H.R. 3825 and S. 2015 were held before the Subcommittee on Public Lands and Reserved Water on May 22, 1984. The administration, in testimony, supports the concept of protecting the visual resource but opposes mandatory acquisition of the lands being added to the monument.

At a business session on June 27, 1984, the Committee on Energy and Natural Resources ordered H.R. 3825, as amended, favorably reported.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1984, by a unanimous vote of a quorum present recommends that the Senate pass H.R. 3825 if amended, as described herein.

The roll call vote on reporting the measure was 21 yeas, 0 nays as follows:

| YEAS | NAYS |
|---|---|
| Mr. McClure | |
| Mr. Hatfield [1] | |
| Mr. Weicker | |
| Mr. Domenici [1] | |
| Mr. Wallop | |
| Mr. Warner | |
| Mr. Murkowski [1] | |
| Mr. Nickles | |
| Mr. Hecht [1] | |
| Mr. Chafee [1] | |
| Mr. Heinz [1] | |
| Mr. Evans | |
| Mr. Johnston [1] | |
| Mr. Bumpers | |
| Mr. Ford | |
| Mr. Metzenbaum [1] | |
| Mr. Matsunaga | |
| Mr. Melcher | |
| Mr. Tsongas [1] | |
| Mr. Bradley | |
| Mr. Levin [1] | |

## COMMITTEE AMENDMENTS

The committee adopted two amendments to H.R. 3825 as passed the House. Amendment No. 1 removes the mandatory acquisition language and allows the Secretary more discretion in exercising acquisition authority. In view of the current budget deficit situation, the committee feels that it is neither necessary nor prudent to acquire the private property or interest therein, unless the visual integrity of the monument is being jeopardized. As amended, the Act will permit the Secretary to make that determination. The committee is cognizant of the impending threat of development, and resulting degradation of visual quality, of the 4,000-acre tract on the north side of the canyon. The committee would urge the Secretary, upon enactment of this measure, to take prompt action to acquire these lands or interest therein.

Amendment No. 2 is technical in nature to conform the language to that commonly used when dealing with units of the national park system.

## SECTION-BY-SECTION ANALYSIS

Section 1, as reported, includes the finding that the Black Canyon of the Gunnison National Monument, CO, possesses outstanding recreational opportunities and natural characteristics of high value which are threatened by adjacent development activity. It is also found that the monument does not have a boundary established by legislation. Further, the legislation finds that it is in the best interest of the United States that such boundary be established to include the proclaimed monument and certain adjacent private lands.

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[1] Indicates voted by proxy.

Section 2 establishes a legislative boundary for the Black Canyon of the Gunnison National Monument as defined on the referenced map and requires that such map be on file and available for public inspection. It also requires the Secretary file a legal description of the revised boundary within 6 months after enactment of the legislation with the appropriate committees of the Congress.

Subsection 3(a) as reported, authorizes the Secretary of the Interior to acquire lands or interests in lands within the monument boundary, through donation, exchange or purchase with donated or appropriated funds. It prohibits the Secretary from acquiring such lands in fee unless the landowner concurs. Although concurrence is required for fee acquisition, it is not required for scenic easements necessary to protect the visual integrity of the monument.

Subsection 3(b) transfers management jurisdiction for approximately 400 acres of Federal land from the Bureau of Land Management to the National Park Service.

Subsection 3(c) provides that upon the request of a landowner, and if such activity will not be detrimental to the monument, the Secretary shall permit grazing to continue as a condition of the acquisition of any easement.

Subsection 3(d) provides that, subject to valid existing rights, federally owned lands and interests therein are withdrawn from mineral entry and appropriation and from disposition under the public land laws.

Section 4 provides that the Secretary shall administer the monument in accordance with the provisions of law generally applicable to units of the national park system.

Section 5 authorizes appropriations for the purposes of the act.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 27, 1984.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 3825, a bill to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3825.
2. Bill title: A bill to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, June 27, 1984.

4. Bill purpose: H.R. 3825 would establish a boundary for the Black Canyon of the Gunnison National Monument. The Secretary of the Interior is authorized to acquire lands within the newly established boundary of the Monument by donation, exchange or purchase. H.R. 3825 would authorize the appropriation of such sums as are necessary to implement the bill.

5. Estimated cost to the Federal Government:

| | *Millions* |
|---|---|
| **Estimated authorization level:** | |
| Fiscal year: | |
| 1985 | $2.5 |
| 1986 | ----- |
| 1987 | ----- |
| 1988 | ----- |
| 1989 | ----- |
| **Estimated outlays:** | |
| Fiscal year: | |
| 1985 | 1.3 |
| 1986 | 1.0 |
| 1987 | .2 |
| 1988 | ----- |
| 1989 | ----- |

The costs of this bill fall within budget function 300.

Basis of estimate: Based on information from the National Park Service, costs for land acquisition are estimated to be approximately $2.5 million. For purposes of this estimate, it is assumed that H.R. 3825 will be enacted in 1984 and the necessary sums will be appropriated in fiscal year 1985. Outlays are based on historical patterns for similar activities.

6. Estimated cost to State and local Governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On February 29, 1984, the Congressional Budget Office prepared a cost estimate for H.R. 3825, as ordered reported by the House Committee on Interior and Insular Affairs, February 22, 1984. The estimated costs of the two versions are the same.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by:

ROBERT A. SUNSHINE,
(For James L. Blum, Assistant Director for Budget Analysis).

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3825. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3825 as reported.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative reports from the Department of the Interior have not been received by the committee at the time of filing this report. The testimony of the Department of the Interior witness before the Subcommittee on Public Lands and Reserved Water given on May 22, 1984 follows;

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with our views on the several legislative proposals before you dealing with certain national park system areas and programs.

### S. 2015—BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT BOUNDARY

S. 2015 would expand the boundary of Black Canyon of the Gunnison National Monument, CO, in order to insure the preservation and integrity of the visual, natural, historic, and cultural resources of the monument. The need to protect the qualities of the lands surrounding Black Canyon of the Gunnison was identified throughout the general management planning process for the monument, and the necessity of protecting the north rim of the canyon from development has been studied thoroughly during the past 10 years. All attempts to protect these lands through cooperative measures with local authorities have failed. This legislation would provide the authority to protect adequately the resources on private lands which lie between the current monument boundary and the ridgetops.

S. 2015 would accomplish this protection by authorizing and directing the Secretary to acquire all lands and interests therein within the proposed expanded boundary. While the Secretary is further directed to acquire less-than-fee interests in such lands where such interest would adequately protect the resources, the Secretary is also directed to acquire fee simple title to lands if requested by the owner or if fee simple title is required for the protection of the resources. Lands under the administrative jurisdiction of other agencies would be transferred to that of the National Park Service for inclusion within the monument boundary.

The legislation would permit, as a condition of acquisition of any less-than-fee interest, continuation of livestock grazing and commonly accepted operation and maintenance practices in support of the grazing. S. 2015 would also, subject to valid existing rights, withdraw from entry or appropriation federally owned lands and interests therein under the laws concerning mining, mineral leasing, and geothermal development as well as those laws relating to public land disposition.

Finally, there is an authorization for appropriations to accomplish the purposes of the legislation subject, of course, to Budget Act considerations.

Mr. Chairman, we must oppose enactment of S. 2015 unless amended as follows:

There are approximately 7,200 acres of lands involved. Of that, approximately 6,400 acres are in private ownership and approximately 773 acres are in public ownership. As currently drafted, section 4(a) not only would authorize but also would direct the Secretary to acquire either fee or less-than-fee title to all lands within the expanded boundary. It would further require the Secretary to acquire at the request of

an owner fee simple title. Mr. Chairman, our primary concern is the protection of the viewshed along the north rim of Black Canyon of the Gunnison National Monument. This strongly suggests that other forms of protection, such as easements, would provide adequate protection for the Federal interest while leaving land in private ownership and allowing for continued uses.

Furthermore, this legislative requirement would be contrary to the Department's land protection policy published on May 7, 1982, in the Federal Register. This policy was adopted in response to concerns expressed by your committee through its workshops, by GAO, the Appropriations Committees, and landowners. It requires that the National Park Service use "to the maximum extent practical cost-effective alternatives to direct Federal purchase of private lands * * * and when acquisition is necessary to acquire only the minimum interest necessary to meet management objectives." A land protection plan for Black Canyon is scheduled for completion this fiscal year and will be revised as necessary to consider in more detail any additional land authorized by protection by Congress.

By directing the Secretary to acquire fee simple title at the request of an owner, as outlined in section 4(a), the National Park Service is denied the flexibility to determine and implement the appropriate level of protection for the resources. Cooperation with landowners is certainly necessary and appropriate, but we do not believe that landowners should have the final word on what needs to be acquired to protect the national monument. Further, if the Secretary were required to purchase fee simple title to the total acreage currently in private ownership, it could cost in excess of $2.5 million. This figure is not based on any actual appraisals but rather on some initial gross cost estimates prepared in response to this legislation.

We would recommend two possible solutions to these problems. The first would be to modify the proposed boundary so that less land is included. The second would be to delete the requirement that the Secretary acquire all lands or interests therein within the expanded boundary as well as the requirement that the Secretary acquire fee simple title at the request of the owner. A simple authorization is sufficient.

Mr. Chairman, also pending before your committee is H.R. 3825 which was passed by the House of Representatives on March 5, 1984. H.R. 3825, as passed by the House, is similar to S. 2015; however, the House-passed version still retains the requirement that the secretary acquire all lands and interests therein within the expanded boundary. Unlike S. 2015, the House-passed version requires the consent of the owner if fee simple title is acquired.

While some of our concerns have been addressed by the House, we still must oppose enactment of either bill unless the Secretary has the flexibility to determine what level of protection is appropriate to achieve the intent of the legislation—in this case, protection of the viewshed.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the act, H.R. 3825, as reported.

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Calendar No. 1046

98TH CONGRESS
2d Session
SENATE
REPORT
98–550

# ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR SITKA NATIONAL HISTORICAL PARK, ALASKA

JULY 17, 1984.—Ordered to be printed

Filed, under authority of the order of the Senate of June 29 (legislative day, June 25), 1984

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany S. 1688]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1688) to amend the act of October 18, 1972, to modify the authorization of appropriations for Sitka National Park, Alaska, and for other purposes, having considered the same, reports favorably thereon with amendments to the text and title, and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 2, line 2, strike "$6,000,000" and insert in lieu thereof "$4,000,000".

2. Amend the title so as to read:

A bill to amend the Act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, Alaska.

### PURPOSE

The purpose of S. 1688 as reported is to increase the authorization of appropriations for Sitka National Historical Park, AK, by $2,429,000 to provide for limited additional development, and for river stabilization work necessary to protect the park's historical structures.

### BACKGROUND

Sitka National Historical Park is the site of an Indian fort where in 1804 the Tlingit Indians made their last stand against Russian

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colonizers. The area was proclaimed a national monument on March 23, 1910, under the authority of the Antiquities Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), and the boundary revised by the proclamation of February 25, 1952 (17 F.R. 1781, February 29, 1952).

Under the act of October 18, 1972 (Public Law 92–501; 86 Stat. 904), the monument was redesignated as a national historical park, the boundary was enlarged, and ceilings for land acquisition (not to exceed $140,000) and development ($619,000 at June 1971 prices) were established. The act of November 10, 1978 (Public Law 95–625; 92 Stat. 3472) changed the development ceiling by deleting the escalation clause and increasing the amount authorized for development from $619,000 to not to exceed $1,571,000.

From 1972 through fiscal year 1981, a total of $1,452,000 was appropriated for development for such projects as a utility building, stabilization of the Russian bishop's house, and sewage system modification. In fiscal year 1982, in the National Park Service's park restoration and improvement program, $1,204,000 was appropriated for additional rehabilitation, restoration, and fire suppression work at the Russian bishop's house. Thus, the development ceiling has been exceeded by $1,085,000.

Other work already planned, which will exceed the present development ceiling by an even greater amount, includes the development of exhibits and an audiovisual display. Additionally, the river channel adjacent to the fort has begun to meander, thus creating an erosion problem that must be corrected before any damage occurs to this nationally significant structure. The cost estimate to perform this needed erosion control work is $982,500.

Accordingly, an increase in the appropriation authority to $4 million will cover current obligations, provide for the necessary river stabilization work, and allow up to $361,500 for the planned development of exhibits and visual displays.

## Legislative History

S. 1688 was introduced by Senator Murkowski (for himself and Senator Stevens) on July 27, 1983. A hearing before the Subcommittee on Public Lands and Reserved Water was held on October 6, 1983. The administration, in testimony, supports a ceiling increase sufficient to cover funds already expended. At a business meeting on June 27, 1984, the Committee on Energy and Natural Resources ordered S. 1688, as amended, favorably reported.

## Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1984, by a unanimous vote of a quorum present recommends that the Senate pass S. 1688 if amended, as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays as follows:

| YEAS | NAYS |
|---|---|
| Mr. McClure | |
| Mr. Hatfield [1] | |
| Mr. Weicker | |
| Mr. Domenici [1] | |
| Mr. Wallop | |
| Mr. Warner | |
| Mr. Murkowski [1] | |
| Mr. Nickles | |
| Mr. Hecht [1] | |
| Mr. Chafee [1] | |
| Mr. Heinz [1] | |
| Mr. Evans | |
| Mr. Johnston [1] | |
| Mr. Bumpers | |
| Mr. Ford | |
| Mr. Matsunaga | |
| Mr. Melcher | |
| Mr. Tsongas [1] | |
| Mr. Bradley | |
| Mr. Levin [1] | |

## Committee Amendments

The committee adopted two amendments to S. 1688 as introduced.

The first amendment lowers the proposed new authorized development ceiling from $6 million to $4 million. The committee has determined that an increase in the authorization level to $4 million will be sufficient to allow the Park Service to complete the bank stabilization and other work which is absolutely necessary. The committee intends that the river stabilization and erosion control work be given priority over development of visitor service facilities.

This amendment also conforms the authorization in S. 1688 to that already passed by the House related to the Sitka National Historical Park.

The second amendment is a technical amendment to the title.

## Cost and Budgetary Considerations

The committee does not intend that this measure (S. 1688) authorize any additional budget authority for fiscal year 1984 than that already available to the Department of the Interior. The committee intends that if any fiscal year 1984 costs are incurred from implementation of the bill that they will be absorbed within funds otherwise available to the Department of the Interior.

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

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[1] Indicates voted by proxy.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 27, 1984.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1688, a bill to amend the act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, AK.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1688.

2. Bill title: A bill to amend the act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, AK.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, June 27, 1984.

4. Bill purpose: S. 1688 would raise to $4 million the authorized ceiling on development expenditures for the Sitka National Historical Park, thereby making possible the appropriation of an additional $1.4 million for restoration and erosion control. As of the end of fiscal year 1984, about $2.6 million will have already been appropriated and spent at Sitka. Approximately $800,000 has been included in the President's fiscal year 1985 budget request for Sitka.

5. Estimated cost to the Federal Government:

| | *Millions* |
|---|---|
| **Estimated authorization level:** | |
| **Fiscal year:** | |
| 1985 | $1.4 |
| 1986 | ----- |
| 1987 | ----- |
| 1988 | ----- |
| 1989 | ----- |
| **Estimated outlays:** | |
| **Fiscal year:** | |
| 1985 | .8 |
| 1986 | .6 |
| 1987 | ----- |
| 1988 | ----- |
| 1989 | ----- |

The costs of this bill fall within budget function 300.

Basis of estimate: It is assumed for purposes of this estimate that S. 1688 will be enacted during fiscal year 1984, and that all sums authorized by the bill will be appropriated by early in fiscal year 1985. Estimated outlays are based on historical spending patterns.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On April 24, 1984, the Congressional Budget Office prepared a cost estimate for H.R. 3739, as ordered reported by the House Committee on Interior and Insular Affairs. That

bill also raised the authorization ceiling for Sitka, and the estimated budget impact was the same.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by:

ROBERT A. SUNSHINE
(For James L. Blum,
Assistant Director for Budget Analysis).

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1688. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1688 as reported.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative report from the Department of the Interior had not been received by the committee at the time of filing this report. The text of testimony given by the administration at the hearing of the Subcommittee on Public Lands and Reserved Water on October 6, 1983, follows:

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING SEVERAL BILLS PERTAINING TO UNITS OF THE NATIONAL PARK SYSTEM, OCTOBER 6, 1983

### S. 1688—SITKA NATIONAL HISTORICAL PARK

S. 1688 would amend section 3 of the act of October 18, 1972 (86 Stat. 904), as amended by section 101, paragraph (23), of the act of November 10, 1978 (Public Law 95–625; 92 Stat. 3472), by revising the development ceiling for Sitka National Historical Park in Alaska from $1,571,000 to $6 million.

Sitka National Historical Park is the site of an Indian fort where in 1804 the Tlingit Indians made their last stand against Russian colonizers. The area was proclaimed a national monument on March 23, 1910, under the authority of the Antiquities Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), and the boundary revised by the proclamation of February 25, 1952 (17 F.R. 1781, February 29, 1952). Under the act of October 18, 1972 (Public Law 92–501; 86 Stat. 904), the monument was redesignated as a national historical park, the boundary was enlarged, and ceilings for land acquisition (not to exceed $140,000) and development ($619.000 at June 1971 prices) were established. The act of November 10, 1978 (Public Law 95–625; 92 Stat. 3472) changed the development ceiling by deleting the escalation clause and increasing the amount authorized for development from $619,000 to not to exceed $1,571,000.

From 1972 through fiscal year 1981, a total of $1,452,000 has been appropriated for development for such projects as a utility building, stabilization of the Russian bishop's house, and sewage system modification. For fiscal year 1982, in the Department's Park Restoration and Improvement Program, $1,204,000 has been appropriated for additional rehabilitation, restoration, and fire suppression work at the Russian bishop's house. Thus, the development ceiling has been exceeded by $1,085,000.

We can only support a ceiling increase in an amount to cover funds already expended. Future projects will be considered in the regular budget process, and any ceiling increase would be considered at that time.

## Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1688 as ordered reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### Public Law 92–501 (86 Stat. 904) of October 18, 1972, as Amended by Section 101, Paragraph (23) of Public Law 95–625 (92 Stat. 3472) of November 10, 1978

**AN ACT To authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, including the Russian mission, as generally depicted on the map entitled "Proposed Additions, Sitka National Monument, Sitka, Alaska" numbered 314–20,010–A, in two sheets, and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands within such area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, the Secretary may erect permanent improvements on lands acquired by him from the State of Alaska for the purposes of this Act.

Sec. 2. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected, and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

Sec. 3. There are hereby authorized to be appropriated not to exceed $140,000 for land acquisition and [$1,571,000] *$4,000,000* for development.

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